

♀ What Is Title IX? ♂

Title IX was the first comprehensive federal law to prohibit sex discrimination against students and employees of educational institutions. Title IX benefits both males and females, and is at the heart of efforts to create gender equitable schools. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone based on sex. Under this law, males and females are expected to receive fair and equal treatment in all arenas of public schooling: recruitment, admissions, educational programs and activities, course offerings and access, counseling, financial aid, employment assistance, facilities and housing, health and insurance benefits, marital and parental status, scholarships, sexual harassment, and athletics.

No person in the United States shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal assistance.

- Title IX of the Education Amendments of 1972 to the Civil Rights Act of 1964

The following are frequently asked questions about Title IX. The answers are intended to improve awareness and to encourage educators, students, administrators, coaches, athletes and community members to advocate for these rights.

What school levels are covered by Title IX?

Title IX protects students, faculty and staff in federally funded education programs. Title IX applies to all elementary and secondary schools, colleges and universities. It also applies to programs and activities affiliated with schools that receive federal funds (such as internships or School-to-Work programs) and to federally funded education programs run by other entities such as correctional facilities, health care entities, unions and businesses.

Who is responsible for enforcing Title IX?

Every school, by law, is required to designate a Title IX Coordinator. Contact information for the Title IX Coordinator must be readily available to school faculty, staff and students. Title IX coordinators as well as all faculty, students, coaches, and community members can file a complaint of Title IX violation with the Office of Civil Rights. Anonymity is maintained and institutions are prohibited from retaliating against any complainant.

Is there a penalty for Title IX non-compliance?

Yes! Schools can lose federal funds for violating the law. Although most institutions are not in compliance with Title IX, no institution has actually lost any federal money. Schools have, however, had to pay substantial damages and attorney fees in cases brought to court.

How do athletics comply with Title IX?

Title IX requires that schools, which receive federal funding, provide equal opportunities for

members of both sexes. It addresses the availability, quality and kind of benefits, and the opportunities and treatment that athletes receive. There are three basic aspects of Title IX as applied to athletics:

1) **Participation:** Title IX is not a quota system. Every institution has three options to demonstrate fairness in athletic opportunities. Schools can show that they comply with Title IX if they can demonstrate any *one* of the following:

- Substantially proportionate athletic opportunities for male and female athletes;
- A history and continuing practice of expanding opportunities for the under-represented sex;
- Full and effective accommodation of the interests and abilities of the under-represented sex. Schools do not necessarily need to offer identical sports, yet they do need to provide an equal opportunity for females to play in sports of interest.

2) **Scholarships:** The total amount of athletic aid must be substantially proportionate to the ratio of female and male athletes. For example, consider a college with 90 female athletes and 115 male athletes and a scholarship budget of \$100,000. An equitable distribution of funds would award \$44,000 in scholarship aid to female athletes and \$56,000 to males.

3) **Additional Athletic Program Components:** Title IX also mandates equal treatment in the provision of:

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|---|---|
| <input checked="" type="checkbox"/> Coaching | <input checked="" type="checkbox"/> Equipment and supplies |
| <input checked="" type="checkbox"/> Game and practice times | <input checked="" type="checkbox"/> Locker rooms |
| <input checked="" type="checkbox"/> Medical and training facilities | <input checked="" type="checkbox"/> Practice and competitive facilities |
| <input checked="" type="checkbox"/> Publicity | <input checked="" type="checkbox"/> Recruitment of student athletes |
| <input checked="" type="checkbox"/> Travel per diem allowances | <input checked="" type="checkbox"/> Tutoring opportunities |

The standard for compliance is one of quality rather than quantity. The actual amount of money spent on women's and men's programs may differ as long as the quality of facilities and services for each program achieve parity. For example, equipment needed for men's football may cost more than equipment needed by women's field hockey. Title IX compliance is achieved as long as both teams are given equipment of comparable quality. However, Title IX is violated if a community builds a state-of-the-art field and locker facilities for males, but requires female athletes to share a field owned by a local community center. In this example, quality of facilities is far from equitable, and Title IX is violated.

Does Title IX require male athletic opportunities be cut?

No, Title IX is designed to create parity in athletic opportunity and quality of experience for men and women. It is a school's choice to cut men's programs in an effort to comply with the law or to meet budget constraints. However, Title IX is not intended to be a zero-sum game. Title IX is intended to ensure equality for both males and females.

How does Title IX impact what courses a school offers?

Institutions may not provide separate courses and activities based on sex and may not require or prohibit participation in these programs based on gender. Some exceptions to this, however, are allowed. Sex education and human sexuality courses at the elementary and secondary levels may be, but are not required to be, offered separately. Generally, physical education classes may not be segregated. Separation is permitted within classes during wrestling, boxing, rugby, ice hockey, football, basketball, and other activities involving significant bodily

contact. In intramural sports, separate teams for each sex are permissible in contact sports

Are predominantly male or female choruses a violation of Title IX?

No. In choral groups where vocal range and quality are a requirement of the type of music or part being performed, single sex or predominantly male or female groups are permitted.

Does Title IX prohibit bias in textbook content?

No. Because of concern over potential conflict with First Amendment rights, Title IX does not address the use of specific texts or curriculum materials. Title IX does, however, suggest that institutions monitor content to ensure that the curriculum promotes understanding of the perspectives of both sexes and their roles in history. Bias and stereotyping in instructional practice, content, and materials should be avoided. To learn how to identify gender bias in textbooks, [click here](#).

Under Title IX are students and teachers protected from sexual harassment?

Yes, sexual harassment is a form of prohibited sex discrimination, and both students and teachers may recover monetary damages. Title IX prohibits sexual harassment in all school programs and activities in school facilities or in other locations when the school is the sponsor of the activity.

Are male students protected under Title IX?

Yes, both male and female students are protected from harassment regardless of who is committing the harassing behavior.

Are Title IX rights granted to pregnant students?

Yes. Schools may not discriminate against an enrolled student in academic or non-academic activities because of pregnancy, birth of a child, false pregnancy, miscarriage, or termination of pregnancy unless the student opts to participate in an alternate, comparable activity.

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